IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.357 OF 2006
IN
SUIT NO.1776 OF 1997

Salsette Catholic Co-op.Hsg.Soc.Ltd. ....Plaintiff
V/s.
Conwood Developers Pvt.Ltd. & Ors. ....Defendants

Mr.Birendra Saraf i/b Ms.Krishna Tanna for Defendant No.1 in support.
Mr.Clive D'Souza for the Plaintiff.
Mr.A.V. Daga i/b Wadia Gandhy & Co. for Defendant No.3.

CORAM : S.J. VAZIFDAR, J.
DATED : 20TH NOVEMBER, 2006.

P.C. :

1. The parties have agreed that the evidence be recorded by the Commissioner for taking evidence. In view of what is stated in the affidavit in support, Defendant No.1 is granted three weeks time to file the written statement and counter claim. The written statement to the counter claim to be filed within six weeks thereafter.

2. The affidavit of documents within six weeks. Discovery and inspection forthwith thereafter.

3. The parties have agreed that after the issues

are framed the evidence may be recorded by the Commissioner for taking evidence. Mr.Kamal Khata, an advocate of this Court is appointed as a Commissioner for taking evidence. Defendant No.1 shall pay the costs of the Commissioner unconditionally in respect of the entire evidence. The parties may file the affidavits in lieu of examination in chief and documents before the Commissioner who will record the objections, if any, thereto. The parties are at liberty to cross-examine the witnesses without prejudice to such objections.

4. The Notice of Motion is accordingly disposed of.